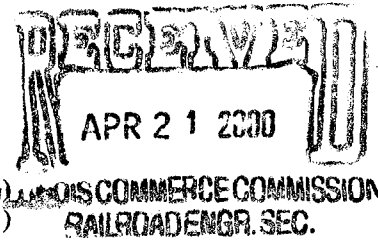


COPY

STATE OF ILLINOIS
BEFORE THE
ILLINOIS COMMERCE COMMISSION



COUNTY OF DuPAGE

Petitioner,

VS

UNION PACIFIC RAILROAD COMPANY;
ILLINOIS DEPARTMENT OF TRANSPORTATION;
VILLAGE OF WINFIELD;
TOWNSHIP OF MILTON;
TOWNSHIP OF WINFIELD; AND THE
CITY OF WHEATON

Respondents,

Petition for the construction of a new grade separation to replace the
at-grade crossing (AARDOT # 174-962U) of the Union Pacific Railroad
Company and County Highway 43, County Farm Road in Wheaton,
DuPage County, Illinois.

No. 700-0038

PETITION

TO THE ILLINOIS COMMERCE COMMISSION:

The Petitioner, COUNTY OF DU PAGE, respectfully represents to the Commission the following:

1. The Petitioner has jurisdiction under the laws of the State of Illinois, being the Illinois Highway Code and Illinois Municipal Code, over County Highway 43, County Farm Road, (hereinafter referred to as "County Farm Road") a part of the DuPage County Highway System, which carries local and regional traffic across the Union Pacific Railroad Company (hereinafter referred to as the "Railroad") tracks in the west one-half of Section 18, Township 39 North, Range 10 East of the Third Principal Meridian and proposes a grade separation structure be constructed to replace the existing at-grade (AARDOT # 174-962U) crossing at the location shown on Exhibit 'A' attached hereto and made part thereof.
2. The three (3) mainline tracks of the Railroad are orientated in an east-and-west direction intersecting County Farm Road in the City of Wheaton, Illinois.
3. DuPage County is a growing area of the Chicago metro region. This growth has caused an increase in motor vehicle traffic placing a burden on government agencies maintaining the roads and

DOCKETED

highways in DuPage County. County Farm Road is a north-south, four lane Strategic Regional Arterial in central DuPage County that extends from Roosevelt Road (IL Rte. 38) to Barrington Road at Lake Street (US Rte. 20) in Cook County.

4. The DuPage County Government Center, including the Sheriff's Office and the County Jail, is located on both sides of County Farm Road adjacent to the south side of the Railroad's tracks. The DuPage County Convalescent Center, a 508 bed, skilled nursing facility, is located on the west side of County Farm Road, immediately south of the Railroad's tracks. Central DuPage Hospital (a state designated Level II trauma center) is located approximately ¼ mile north and ½ mile west of the crossing (see Exhibit 'A').

Marianjoy Rehabilitation Center is located about one half-mile east of County Farm Road on Roosevelt Road. Marianjoy has 600 employees and is licensed for 121 beds. The primary purpose of Marianjoy is to rehabilitate victims of strokes and other injuries. Marianjoy patients are regularly transported to Central DuPage Hospital by ambulance for special tests or consultations/examinations by hospital physicians (see Exhibit 'A').

5. St. Francis High School is located approximately 1 mile south of the crossing. There are also a number of schools in the area that utilize County Farm Road for their school bus routes. The school bus crossing count is 345 per day (see Exhibit 'A').

6. The current average daily traffic of 30,000 vpd and the train traffic volume of 125 tpd combine to create long delays at the crossing on a regular basis. The proximity of Central DuPage Hospital, the DuPage County Convalescent Center, the DuPage County Government Center, the potential for vehicle-train grade crossing accidents and the regular delays for traffic at the at-grade crossing justify the need for a grade separation.

7. The existing at-grade crossing, AARDOT # 174-962U, has pedestal mounted flashing lights with gate arms, swing out style cantilevers with flashing lights and concrete surfaces installed on all three tracks.

8. The geometric and general information for both the railroad portion of the crossing and the roadway portion of the crossing is detailed in Exhibit 'B' which is attached hereto and made part thereof.

9. The Petitioner proposes a grade separation structure for County Farm Road over the Railroad (hereinafter referred to as the "Project") and agrees to perform the design, permitting, land acquisition and construction of a 160 foot, 3-span welded steel plate deck girder bridge, to cross over County Farm Road

and provide for the public health, safety, welfare and convenience for vehicles and pedestrian traffic in the manner and on the terms as shown on the Project plans and specifications for County Highway 43, County Farm Road, Section 94-00179-05-GS which are made part hereof by reference thereto. The estimated cost for this Project is \$ 18.9 million. The proposed allocation of Project costs and Project schedule are shown in Exhibit 'C' attached hereto and made part thereof.

10. The Petitioner requests that the existing at grade vehicle and pedestrian crossing be closed upon completion of the Project.

11. The Petitioner requests permission to construct a temporary at-grade crossing with flashing lights and gates to be used during the Project. This crossing will be located on the runaround for County Farm Road crossing the shoofly tracks for the Railroad. The temporary crossing, shoofly tracks, and the runaround will be removed upon completion of the Project.

12. The Petitioner requests that the 500-foot line of sight requirement be waived for the temporary at-grade crossing cited in the above Article 11. The reason for this request is that construction equipment or materials required to build the Project may limit sight distance below the 500-foot minimum from time to time.

13. Resolution DT-0087-99 adopted by the County Board on November 23, 1999, approved the DuPage County Division of Transportation Ten Year Plan for Impact Fees dated October 14, 1999; Resolution DT-0066-98 adopted by the County Board on August 11, 1998 and Resolution LEG-011-99 adopted by the County Board on March 23, 1999 show support and requests funding for the Project; Resolution DTp-038-94 adopted by the County Board on November 8, 1994 and Resolution DTp-038A-94 adopted on September 28, 1999 authorized design engineering for the project; Resolutions DT-0024-99, DT-0042-99, DT-0043-99 and DT-0054-99 authorized the County to acquire various properties needed to construct the project by negotiation and/or the power of eminent domain; Resolutions DT-0025-99, DT-0025A-99 and DT-0091-99 authorized demolition of buildings on property acquired by the County for the project; Resolution DT-0092-99 approved by the County Board on November 9, 1999 authorized the County to pay Sprint Communications, Inc. for relocation of their fiber optic lines; Ordinance ODT-0005-00 adopted by the County Board on February 22, 2000 is an agreement between the County and the Winfield Park District for property needed for the Project and are attached and made a part hereof as

Exhibit 'D.'; these documents indicate the desire and intent of the DuPage County Board that the Project be constructed and have authorized the Division of Transportation take the necessary steps to construct the Project.

14. Petitioner has no knowledge of an existing agreement between the Petitioner and the Railroad regarding the Project, and states further that an agreement is pending at time of filing.

WHEREFORE, Petitioner prays that the Illinois Commerce Commission hold a hearing to extent and by the method as may be necessary and proper, and enter such Order, pursuant to subsection (3) of Section 18c-7401 of "The Illinois Commercial Transportation Law", effective January 1, 1986, as amended (625 ILCS 5/ 18c-7401), regarding a separation of grades by construction of the subject bridge crossing, and closure of the existing grade crossing, apportioning costs thereof, directing an appropriate portion thereof to be borne for the benefit of the statewide traveling public by the Grade Crossing Protection Fund and directing disbursements in relation thereto, all as may be necessary to preserve, promote and protect the safety and convenience of the public in the premises herein described.

The Petitioner further specially requests that all necessary steps be taken by the Illinois Commerce Commission to expedite, accelerate and advance upon its docket for immediate consideration, the matter of this Petition.

Respectfully submitted,

THE COUNTY OF DUPAGE, ILLINOIS,

By: Charles F. Tokarski
Charles Tokarski
County Engineer

PROOF OF SERVICE

STATE OF ILLINOIS)
)
COUNTY OF DuPAGE)

I, Agnes Zalizniak on oath state that on behalf of the Petitioner I served the foregoing Petition upon the respondents made parties to this proceeding, by enclosing copies of the Petition in envelopes plainly addressed to the following parties, with postage full prepaid, and depositing the envelopes in the United States Post Office at Winfield or Wheaton, Illinois on
April 19 _____, 2000.

Mr. James Slifer, Director
Division of Highways
Illinois Department of Transportation
2300 South Dirksen Parkway
Springfield, IL 62764

Union Pacific Railroad Company
C T Corporation System
208 South LaSalle Street
Chicago, IL 60604

Union Pacific Railroad Company
Mack H. Schumate, Jr.
101 North Wacker Drive, Suite 1920
Chicago, IL 60606

Union Pacific Railroad Company
Dave McKernan
210 North 13th Street, Room 1612
St. Louis, MO 63103-2388

Mr. John D. Kirschbaum
Village President
Village of Winfield
27W465 Jewell Road
Winfield, IL 60190-1934

Patricia Ann Stuart
Village Clerk
Village of Winfield
27W465 Jewell Road
Winfield, IL 60190-1934

Michael Dutton
Highway Commissioner
Milton Township
350 Elm Street
Glen Ellyn, IL 60137

A. Arlene Demotte, Clerk
Milton Township
1492 N. Main Street
Wheaton, IL 60187

Henry J. Kruse, Jr.
Milton Township
1492 N. Main Street
Wheaton, IL 60187

Joseph V. Jedlovec, Jr.
Highway Commissioner
Winfield Township
2 S 283 Lost Meadows Lane
Warrenville, IL 60555

Dona L. Smith, Clerk
Winfield Township
1012 Allen Avenue
West Chicago, IL 60185

Gerald B. Girardot
Winfield Township Supervisor
130 Arbor Avenue
West Chicago, IL 60185

C. James Carr, Mayor
City of Wheaton
303 W. Wesley Street
Wheaton, IL 60187-5027

Emily M. Consolazio, Clerk
City of Wheaton
303 W. Wesley Street
Wheaton, IL 60187-5027

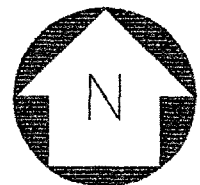
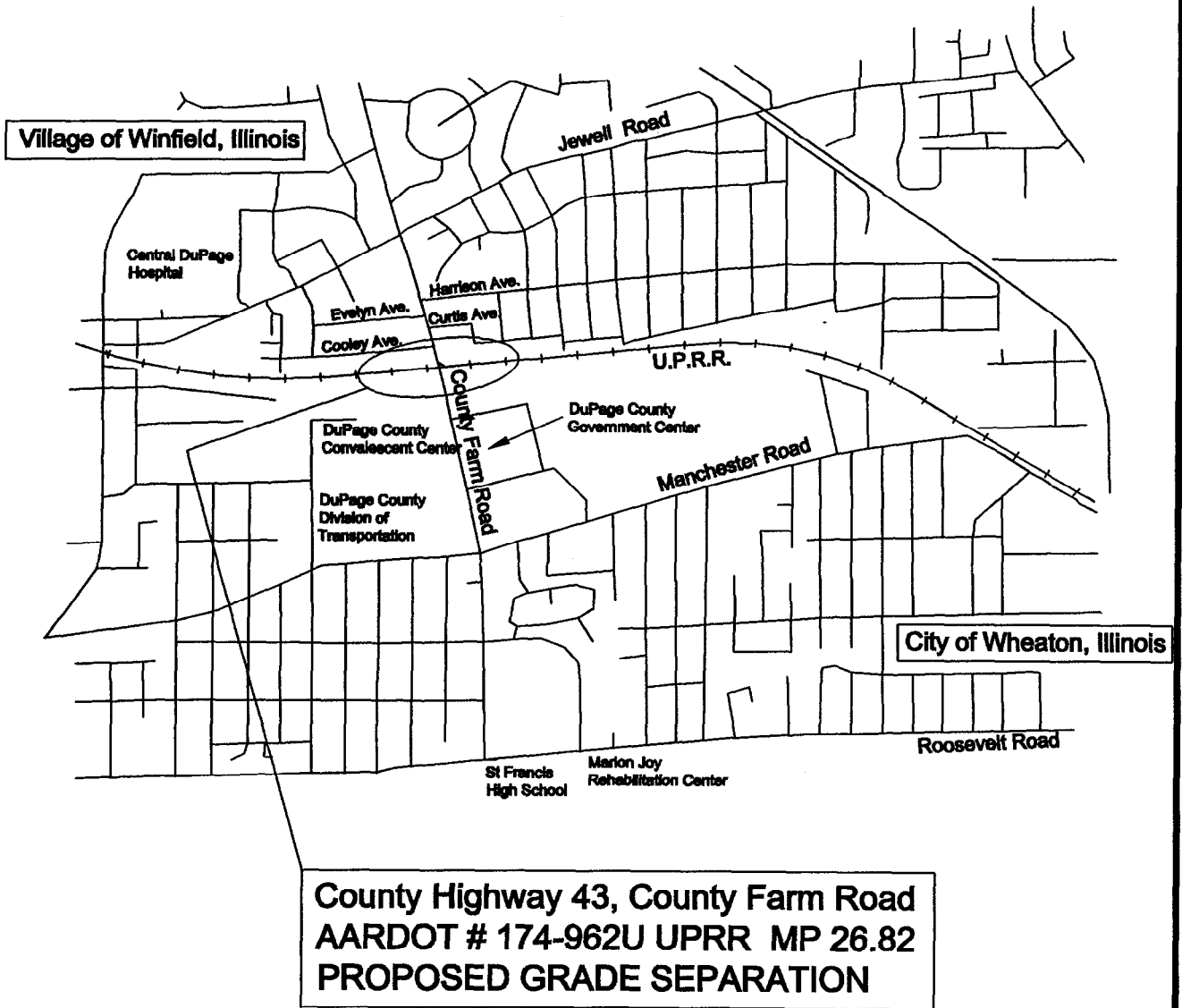
Respectfully,

DuPage County Division of Transportation

By: 

EXHIBIT 'A'

LOCATION MAP



NO SCALE

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DATE: FEB 2000

PROJ. NO.: 7006.FO

APP. BY: BRJ

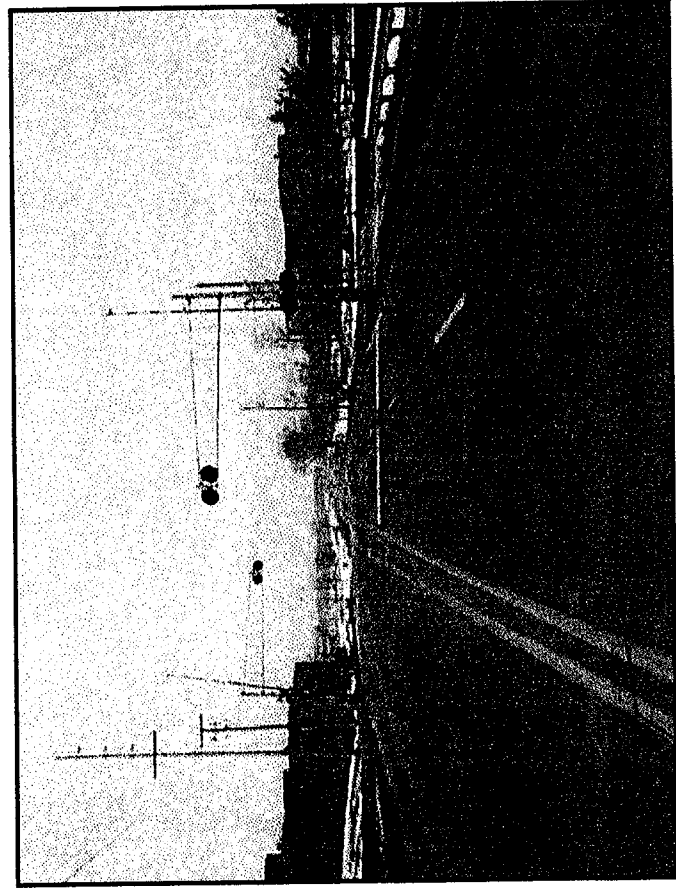
DuPage County
Division of Transportation
UPRR / County Farm Road
Grade Separation

FIELD WORKSHEET DATA COLLECTED FOR GRADE SEPARATION

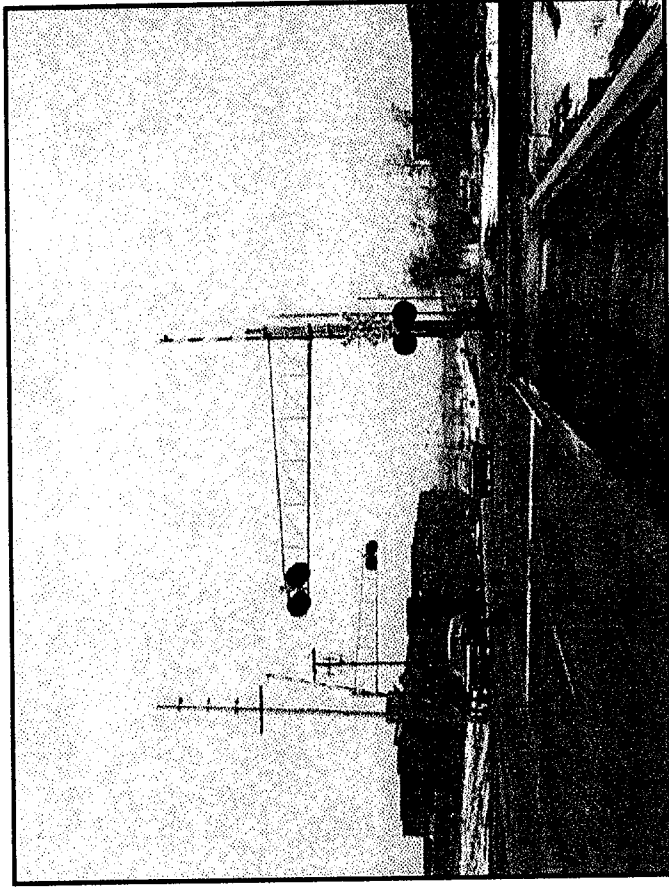
GENERAL INFORMATION	
Date of Inventory	February 10, 2000
Time of Inventory	11:00 am
City Name (in)	Wheaton
County, Township	DuPage
Street / Highway Name	County Highway 43 County Farm Road
Highway Type	County Highway - Strategic Regional Arterial
Posted Clearances (vertical & horizontal)	----
Crossing angle	82°

EXISTING RAILROAD INFORMATION	
Railroad Company, line & milepost	Union Pacific Railroad Co., Geneva Subdivision, MP 26.82
Crossing Inventory Number (AARDOT)	174-962U
Number of tracks	3
- distance between tracks (if applicable)	14 feet
Advance Warning Device	Pedestal mounted flashing lights with gate arms, swing out style cantilevers with flashing lights
Crossing Type	Concrete
Crossing Angle (angular dimension)	82°
Track centers	14 feet
Elevation from top of rail (each track: mainline, siding, etc.)	----
Track orientation, description (mainline or siding)	E/W, mainline
Relative condition (poor, fair, good, excellent)	Excellent

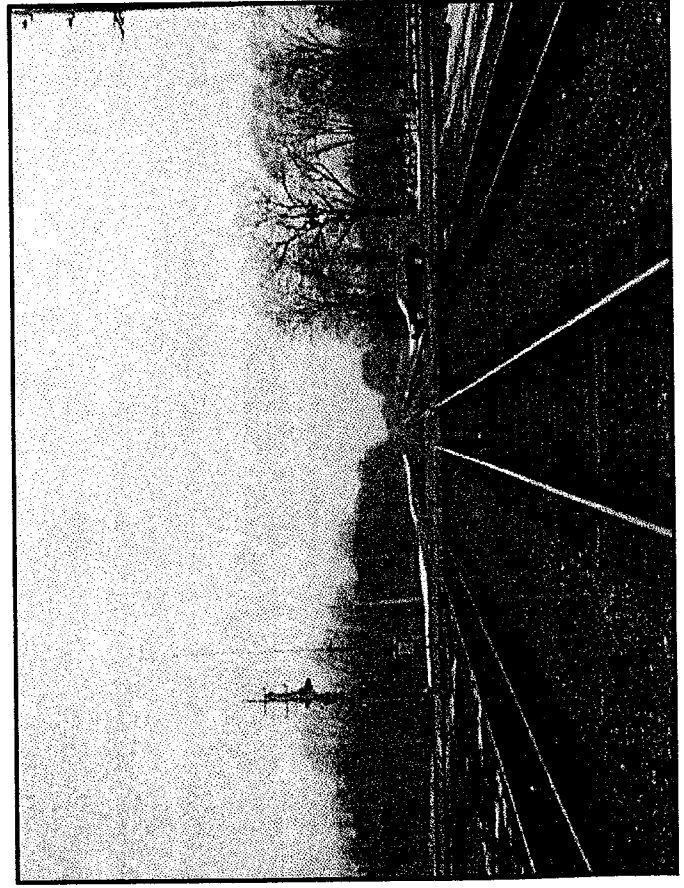
EXISTING HIGHWAY INFORMATION	
Name of roadway	County Farm Road
Average daily traffic (ADT)	30,000
Highway classification	County Highway - Strategic Regional Arterial
Orientation	N/S
Number of lanes	N. approach - 4 lanes; S. approach 4 w/ taper to 5 lanes
Roadway width	45 feet
Posted speed at crossing	40 mph
Vehicle classification	95% cars, 5% trucks
Type/width of center median	None
Number of sidewalks, width & location	2, 5 feet, east & west sides of roadway.
Profile grade of roadway approach - 25', 50', 100'	N. approach = 0 to 1%; S. approach = -1% to -3%
School bus route	Yes, 345 crossings per day
Emergency route	Yes
Hazardous material route	No
Location sketch	See Exhibit 'A'
Photographs	See Exhibit 'B'
COMMENTS: Sidewalks do not have advance warning gate arms designated for pedestrians. The concrete crossing surface extends beyond the sidewalks. The crossing is in excellent condition. Roadway approaches are in good condition.	



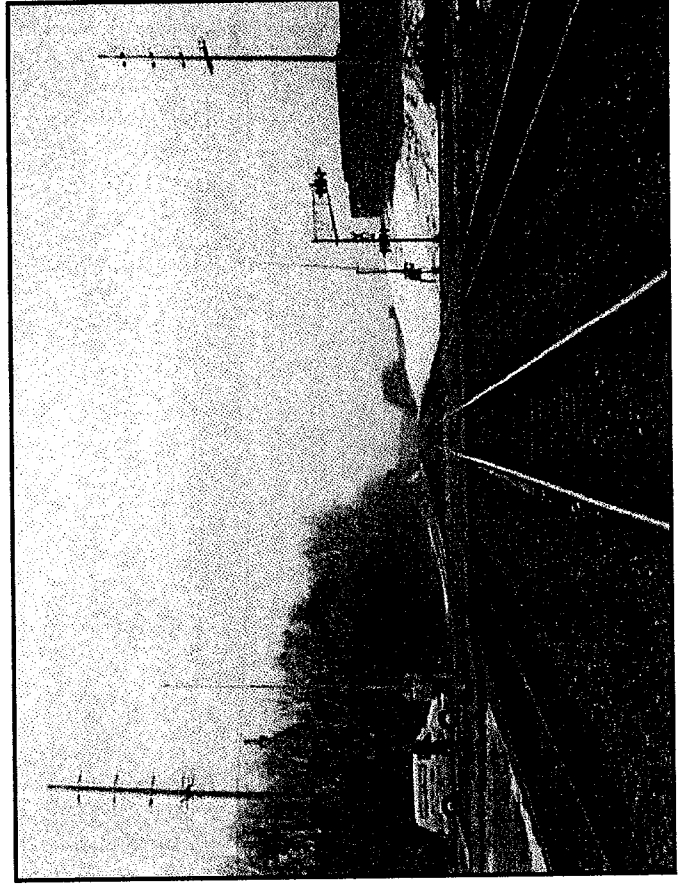
1. County Farm Road looking south.



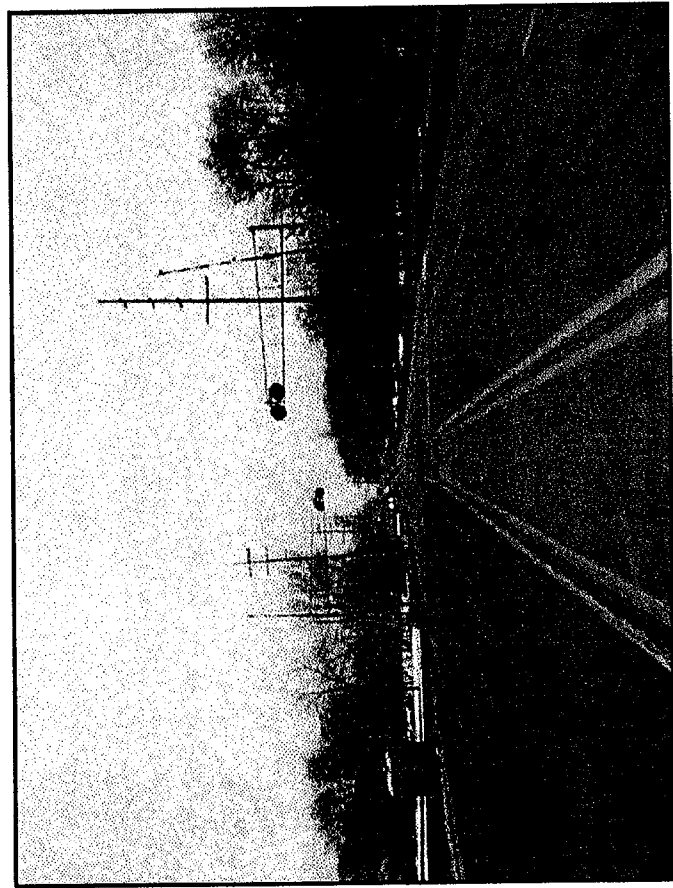
2. County Farm Road looking south.



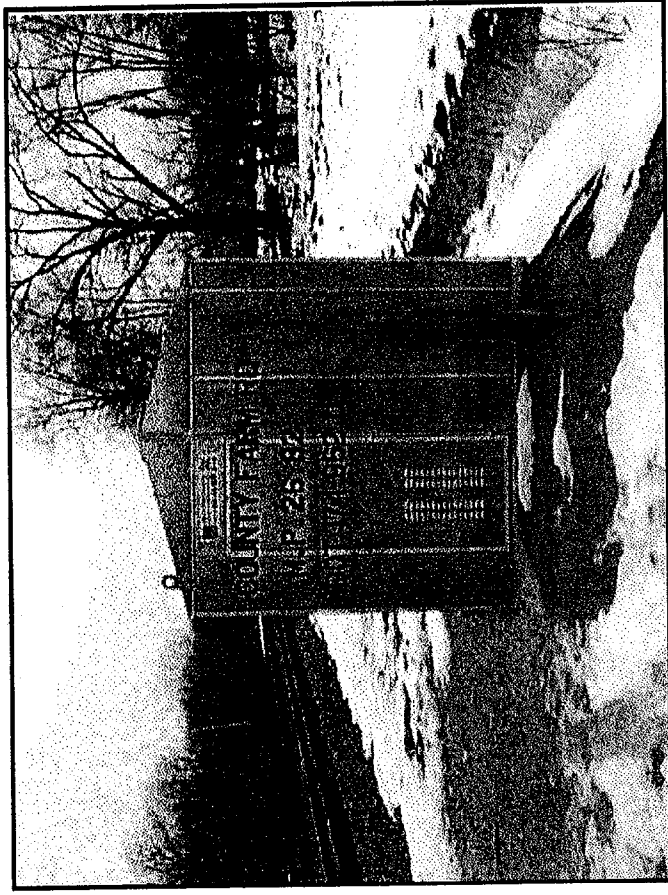
3. UPRR tracks looking west.



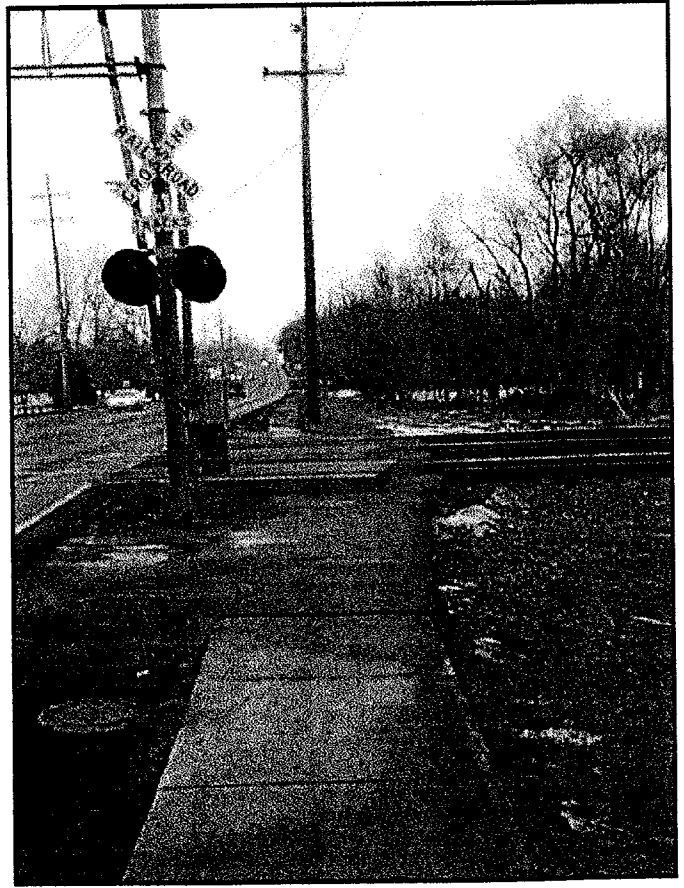
4. UPRR tracks looking east.



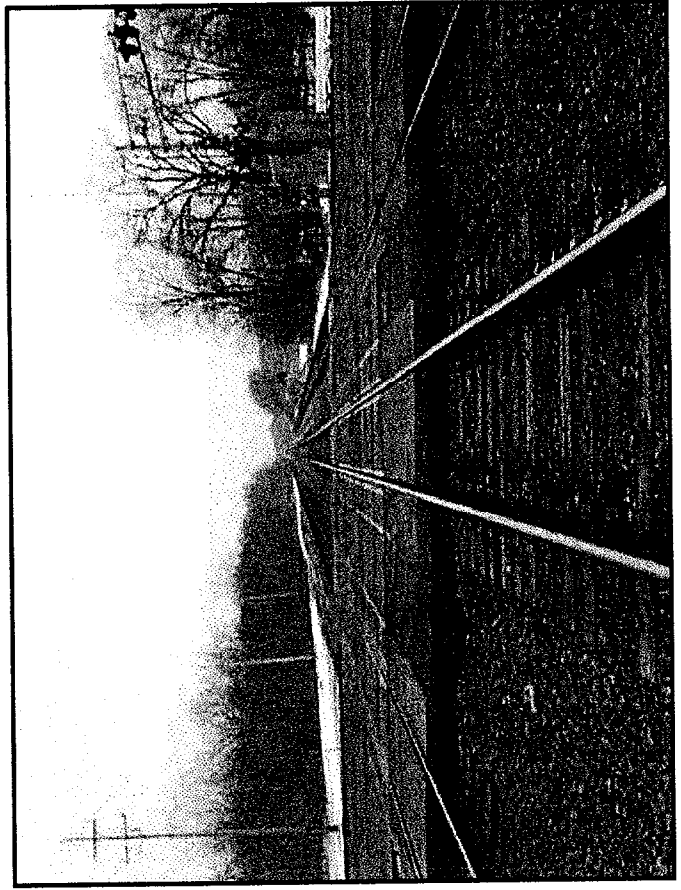
5. County Farm Road looking north.



6. Signal bungalow.



7. East sidewalk.



8. UPRR concrete crossing.

Utility Relocation begins	Winter 1999 – 2000
Design Completion	Spring 2000
Contract Award	Fall 2000
Construction Begins	Late Fall 2000
270 working days (as defined by IDOT) to complete construction	
Project Completion	Fall 2002